

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

GERALD PETER FOOX (15)

NO. 3:16-CR-516-D

MOTION FOR PRETRIAL DETENTION

The United States moves for detention of defendant, **Gerald Peter Foox**, pursuant to Rule 5(d)(3) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3142.

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check all that apply):

- Crime of violence (18 U.S.C. § 3156);
- Maximum sentence life imprisonment or death
- 10 + year drug offense
- Felony, with two prior convictions in above categories
- Serious risk defendant will flee
- Serious risk obstruction of justice
- Felony involving a minor victim
- Felony involving a firearm, destructive device, or any other dangerous weapon
- Felony involving a failure to register (18 U.S.C. § 2250)
- Petition for Supervised Release Revocation was filed

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

Defendant's appearance as required
 Safety of any other person and the community

3. Rebuttable Presumption. The United States will/will not invoke the rebuttable presumption against defendant because (check one or both):

Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. §924(c)
 Probable cause to believe defendant committed a federal crime of terrorism, 18 U.S.C. §2332b(g)(5)
 Probable cause to believe defendant committed an offense involving a minor, 18 U.S.C. §§1201, 2251
 Previous conviction for "eligible" offense committed while on pretrial bond
 Probable cause to believe Defendant violated terms of supervised release, FRCP 32.1(a)(6).

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing,

At first appearance
 After continuance of **one** day.

DATED this 16th day of December, 2016.

Respectfully submitted,

JOHN R. PARKER
UNITED STATES ATTORNEY

/s/ Andrew Wirmani

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CERTIFICATE OF SERVICE

I certify that on December 16, 2016, I filed this notice with the clerk of the court for the U.S. District Court, Northern District of Texas. I also certify that a copy of this notice was served on all counsel of record.

/s/ Andrew Wirmani

Andrew O. Wirmani
Assistant United States Attorney